

REMARKS

By way of the instant amendment, claims 5 and 16 have been cancelled. Thus, claims 1-4, 6-15 and 17-24 remain for examination.

Drawing Changes

Submitted herewith is a new Fig. 8 having the appropriate legend "prior art" as requested by the Examiner. Further, substitute sheets are being submitted for Figs. 5A and 5B in order to correct certain objections made by the Examiner as stated in the "notice of draftspersons patent drawing review". The new drawings should obviate all objections to the drawings.

Claim Objections

Claims 1, 2, 5, 12, 13 and 15 are objected to because of the informalities listed in paragraph 2 of the outstanding Office Action. Applicant has corrected all of the informalities noted therein as well as additional ones found by applicant's representatives. It is noted in connection with subparagraph (3) of main paragraph 2, it is believed that the Examiner intended to refer to claim 16, line 4 instead of claim 15, line 4.

Rejection Under Section 112

Claims 1-22 and 24 stand rejected under 35 U.S.C. § 112, second paragraph.

Applicant has reviewed all of the claims and has amended same in order to provide proper antecedent basis and thus to correct all of the points specified in paragraph 4 of the outstanding Office Action. Additional amendments have been made in order to provide additional clarity.

It is submitted that all of applicant's claims now fully comply with the provisions of 35 U.S.C. § 112.

Section 103 Rejection

Claims 1-5, 8, 11-16, 19 and 22-24 stand rejected under 35 U.S.C. § 103 as being unpatentable over applicant's admitted prior art (Fig. 8) in view of Mizoguchi (5,566,364).

Further, claims 6, 7, 17 and 18 stand rejected under 35 U.S.C. § 103 as unpatentable over applicant's admitted prior art and Mizoguchi and further in view of Ishikura (5,239,684).

The Examiner's rejections are respectfully traversed.

The Examiner apparently recognizes that applicant's admitted prior art does not disclose teaching the lake circuit which includes a level judgment circuit for executing electric field judgment according to the correlated received signal from the finger circuit and a predetermined threshold level wherein the operation of the predetermined circuit is suspended according to the result of the level judgment. For this teaching, the Examiner points to Mizoguchi. While it is true that Mizoguchi determines the power levels from each of two receivers and accepts the higher power level from one of the receivers and then turns off the other receiver so as to save power, Mizoguchi is not directed to CDMA technology and, moreover, makes no teaching of a lake circuit which includes level judgment circuits for executing electric field judgment according to the correlated received signal of the finger circuit and a predetermined threshold level. Moreover, it is clear that Mizoguchi keeps off the receiver which is determined not to provide the higher strength electric field until the receiver which is powered up experiences a drop in electric field level at which time the receiver which has been turned off is again turned on. Thus, Mizoguchi turns on the receiver which was turned off at various times depending upon when the signal strength from the receiver which is turned on begins to decrease below an acceptable level. (See column 4, lines 32-43).

In contrast, applicant has amended all of the independent claims in order to recite that the at least one finger circuit element which is being suspended is suspended for a fixed, predetermined time period. This recitation was originally recited in dependent claims 5 and 16 which have now been cancelled. It is clear that applicant's admitted prior art even taken with Mizoguchi and Ishikura does not teach applicant's invention as now recited. As such, the Patent and Trademark Office has not made out a *prima facie* case of obviousness under the provisions of 35 U.S.C. § 103.

It is submitted that the application is believed to be in condition for allowance and an early indication of same is earnestly solicited.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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By 

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